IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.189 OF 2004

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Saidhara-DCK Agro Products
& Plantation Pvt.Ltd. ...Petitioner

v/s.

Development Corporation
of Konkan Ltd. ...Respondent

...

Mr.A.P. Malgaonkar for the Petitioner.

Mr.V.Y.Divekar i/b Divekar & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 25TH JANUARY,2005

P.C.:

. Arbitration clause was invoked on 18th June, 2003. First application for appointment of arbitrator was filed in February, 2004. I do not fine any explanation given why promptly an application under Section 11 was not made for appointment of the arbitrator. Application filed in February, 2004 was withdrawn, then I am told, another application was made in April, 2004. No steps were taken to move the application before the Court for getting the appointment of arbitrator made. This conduct of the Petitioner shows that the Petitioner is not seriously pursuing the constitution of the arbitral tribunal. This conduct of the Petitioner, in my opinion, disentitles the Petitioner to any interim measure under Section 9 of the Arbitration Act, which is in the discretion of the Court. Petition disposed of.

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